



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR RECONSIDERATION OF PETITION
FOR MODIFICATION OF CLAIM OF PRIORITY

Applicant: Roger P. Jackson

Serial No.: 10/649,412

Date: January 14, 2007

Filed: August 27, 2003

Group Art Unit: 3733

Exam: Richard R. Shaffer

For: THREADED DEVICE FOR IMPLANTATION BETWEEN VERTEBRAE

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Kansas City, Missouri

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On May 30, 2006 applicant submitted a Petition for Modification of Claim of Priority. That Petition was dismissed for failure to meet the requirements of 37 C.F.R. 78(a)(2)(I) in that reference to the prior filed application was not submitted.

Because the wording of this rule is vague, it was believed that the submission of the reference on a corrected Data Sheet was sufficient to meet this requirement and such a Data Sheet with the correct priority claim was submitted. The dismissal of the Petition indicates that the Data Sheet was insufficient.

Consequently, applicant submits herewith an amendment to the

application incorporating a cross reference to the corrected priority claim.

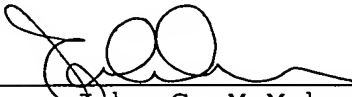
Therefore, reconsideration of the Petition under Rule 78(a)(3) is respectfully requested and, if reconsideration of the original petition is not possible, then consideration of this document as a new petition is respectfully requested.

It is believed that all requirements of the Petition under Rule 78(a)(3) are met as follows:

- a) An amendment to the application to cross reference corrected priority is submitted herewith along with a corrected Data Sheet.
- b) The surcharge of \$1370 set forth in Rule 17(t) has been previously paid and application of that fee herein is respectfully requested. If a new fee must be charged, please charge it to Deposit Account No. 50-1253.
- c) The entire delay between the date when the claim was due and the present was unintentional. In particular, the original claim included a typographical error that was noticed only recently in association with amendment of the application and it was believed that the previously filed petition met all of the requirements of Rule 78.

Respectfully Submitted,

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John C. McMahon
Reg. No. 29,415
Attorney

I hereby certify that this
correspondence is being deposited
with the United States Postal
Service as first class mail in an
envelope addressed to:
Mail Stop Petitions
Commissioner For Patents,
P.O. Box 1450,
Alexandria, VA 22313-1450 on
January 14, 2007.

Roger P. Jackson
(Applicant)

By



January 14, 2007

(Date of Signature)



CORRECTED DATA SHEET

Applicants - Inventors

- 1) First Inventor: Roger P. Jackson
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Citizenship: United States of America

- 2) Correspondence Address:

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- 3) Title of Invention: THREADED DEVICE FOR IMPLANTATION BETWEEN
VERTEBRAE

Suggested Classification: Class _____ Subclass _____

Technology Center _____

Total Number of Drawing Sheets 2

Docket No. 10,321

Type of Application: Utility

- 4) Attorney: John C. McMahon
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- 5) Domestic Priority:

Continuation-in-Part of Application Serial No. 09/729,600, filed December 4, 2003, now
Patent No. 6,440,170 and Continuation-in-Part of Application Serial No. 09/644,722,
filed August 23, 2000, now Patent No. 6,666,888

- 6) Foreign Priority:

None

- 7) Assignee:

None